REMARKS

Claims 12, 14, 18-21, and 25-32 were pending in the present application. Claim 12 has been amended herein. No new matter has been added. Upon entry of the present amendment, claims 12, 14, 18-21, and 25-32 will be pending.

As a preliminary matter, Applicants thank the Examiner for indicating that claims 14, 18-21, 25-27, and 29-32 are allowed.

I. The Claimed Invention Is Not Obvious

Claims 12 and 28 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over the combination of Canadian Application No. 2,093,495 (hereinafter, the "Fujisawa reference") or International Publication No. WO 95/09186 (hereinafter, the "Vinson reference") and Humphries et al., J. Tissue Culture Methods, 1994, 16, 239-242 (hereinafter, the "Humphries reference"). Applicants traverse the rejection and respectfully request reconsideration in view of amended claim 12.

Claim 12 has been amended herein to recite a "composition comprising a peptide **consisting of**" SEQ ID NO:1 (emphasis added). The Fujisawa reference does not teach or suggest a composition comprising a peptide consisting of SEQ ID NO:1, which is 45 amino acids in length. In contrast, the Fujisawa reference reports a protein (see, SEQ ID NO:6) that comprises 359 amino acids. When making a *prima facie* case of obviousness, it remains necessary to identify some reason that would have led a person skilled in the art to modify the teachings of a reference in a particular manner. *Takeda Chemical Industries, Ltd. v Alphapharm Pty. Ltd.*, 492 F.3d 1350, 83 USPQ.2d 1169 (Fed. Cir. 2007). No such reasoning has been provided. Indeed, there are many possibilities from which to truncate the 359 amino acid protein of the Fujisawa reference to produce the peptide recited in Applicants' claim 12. There is, however, nothing in the references of record to narrow these possibilities to that which is recited in Applicants' claims. It is only upon examination of Applicants' specification that such claimed methods can be rendered obvious. Applicants respectfully point out that "[i]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings

of the prior art so that the claimed invention is rendered obvious." *In re Fritch*, 23 USPQ.2d 1780, 1784 (Fed. Cir. 1992).

In regard to the Vinson reference, the Office asserts that it teaches "a peptide comprising a sequence of Seq ID No: 1 as previously indicated (see Office Action mailed 12/4/2008)" (see, Office Action at page 3). The Vinson reference, however, does not teach or suggest a composition comprising a peptide consisting of SEQ ID NO:1, which is 45 amino acids in length. Applicants respectfully request the Office to particularly point out exactly where the Vinson reference teaches the peptide recited in claim 12. In addition, Applicants note that the Office Action dated December 4, 2008 does not even reject claim 12 over the Vinson reference, nor does it indicate where the Vinson reference teaches the peptide recited in claim 12.

The Humphries reference does not cure the deficiencies of either the Fujisawa reference or the Vinson reference.

Thus, the combination of the Fujisawa or Vinson reference with the Humphries reference does not result in the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicants' undersigned representative at 610.640.7859 if there are any questions regarding Applicants' claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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